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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/898,669	07/03/2001	Tom E. Killi	XHLP1100-2	2906
25094	7590	09/08/2005	EXAMINER	
DLA PIPER RUDNICK GRAY CARY US, LLP 2000 University Avenue E. Palo Alto, CA 94303-2248				BLAIR, DOUGLAS B

ART UNIT	PAPER NUMBER
	2142

DATE MAILED: 09/08/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/898,669	KILLI ET AL.	
	Examiner	Art Unit	
	Douglas B. Blair	2142	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on 08 August 2005.
- 2a) This action is FINAL. 2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 1 and 102-125 is/are pending in the application.
- 4a) Of the above claim(s) 1 is/are withdrawn from consideration.
- 5) Claim(s) _____ is/are allowed.
- 6) Claim(s) 102-125 is/are rejected.
- 7) Claim(s) _____ is/are objected to.
- 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on _____ is/are: a) accepted or b) objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) All b) Some * c) None of:
1. Certified copies of the priority documents have been received.
2. Certified copies of the priority documents have been received in Application No. _____.
3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date: _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date: _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Election/Restrictions

1. Applicant's election without traverse of claims 102-126 in the reply filed on 8/8/2005 is acknowledged.
2. Claim 1 is withdrawn from further consideration pursuant to 37 CFR 1.142(b) as being drawn to a nonelected invention, there being no allowable generic or linking claim. Election was made **without** traverse in the reply filed on 8/8/2005. This restriction requirement is made final.

Specification

3. The abstract of the disclosure is objected to because it has nothing to do with the invention claimed by the applicant. Correction is required. See MPEP § 608.01(b).
4. Applicant is reminded of the proper content of an abstract of the disclosure.

A patent abstract is a concise statement of the technical disclosure of the patent and should include that which is new in the art to which the invention pertains. If the patent is of a basic nature, the entire technical disclosure may be new in the art, and the abstract should be directed to the entire disclosure. If the patent is in the nature of an improvement in an old apparatus, process, product, or composition, the abstract should include the technical disclosure of the improvement. In certain patents, particularly those for compounds and compositions, wherein the process for making and/or the use thereof are not obvious, the abstract should set forth a process for making and/or use thereof. If the new technical disclosure involves modifications or alternatives, the abstract should mention by way of example the preferred modification or alternative.

The abstract should not refer to purported merits or speculative applications of the invention and should not compare the invention with the prior art.

Where applicable, the abstract should include the following:

- (1) if a machine or apparatus, its organization and operation;
- (2) if an article, its method of making;
- (3) if a chemical compound, its identity and use;
- (4) if a mixture, its ingredients;
- (5) if a process, the steps.

Extensive mechanical and design details of apparatus should not be given.

Drawings

5. The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the methods claimed in claims 102, 108, and implemented in claims 114 and 120 must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

6. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

7. Claims 102-103, 105, 108, 110-113 rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Patent Number 5,768,535 to Chaddha et al..

8. As to claim 102, Chaddha teaches a method of reducing a size of an original file comprising: processing the original file having data to create an intermediate output file that represents the data and is smaller than the original electronic file (col. 4, line 54-col. 5, line 7); and compressing the intermediate output file to create a final output file (col. 4, line 54-col. 5, line 7).

9. As to claim 103, Chaddha teaches the method of claim 102, wherein the data comprises information from pixels within a graphic image (col. 4, line 54-col. 5, line 7).

10. As to claim 104, Chaddha teaches the method of claim 102, wherein: processing comprises compressing the original file using a first algorithm; and compressing the intermediate output file comprises compressing the intermediate file using a second algorithm that is different from the first algorithm (col. 4, line 54-col. 5, line 7).

11. As to claim 105, Chaddha teaches the method of claim 102, wherein a sum of times to perform processing and compressing is at least three times faster than compressing the original file without processing (col. 4, line 54-col. 5, line 7).

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12. As to claim 106, Chaddha teaches the method of claim 102, wherein: the data of the original file comprises a first string of at least three consecutive, repeating bytes (col. 4, line 54-col. 5, line 7); within the intermediate output file, the first string is presented by no more than two bytes (col. 4, line 54-col. 5, line 7).
13. As to claim 107, Chaddha teaches the method of claim 106, wherein: the data of the original file further comprises a second string of at least 17 consecutive, repeating bytes having a common value; and within the intermediate output file, the second string is represented by a third string of bytes including a sentinel segment, a numeric segment that represents a number of bytes of the at least 17 consecutive, repeating bytes within the second string, and an original byte segment that corresponds to the common value (col. 12, lines 10-32).
14. As to claim 108, it is rejected for the same reasons as claim 106.
15. As to claim 109, it is rejected for the same reasons as claim 107.
16. As to claim 110, it is rejected for the same reasons as claim 103.
17. As to claim 111, it is rejected for the same reasons as claim 102.
18. As to claim 112, Chaddha teaches the method of claim 111, wherein third file is at least five percent smaller in size than if the first file is compressing without creating the second file (col. 4, line 54-col. 5, line 7).
19. As to claim 113, it is rejected for the same reasons as claim 105.
20. As to claims 114-125, they feature the same limitations as claims 102-113 and are rejected for the same reasons as claims 102-113.

Conclusion

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21. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Douglas B. Blair whose telephone number is 571-272-3893. The examiner can normally be reached on 8:30am-5pm Mon-Fri.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Andrew Caldwell can be reached on 571-272-3868. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Douglas Blair



ANDREW CALDWELL
SUPERVISORY PATENT EXAMINER